

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MALIK HALEEM SWINTON,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:23-CV-112-HAB
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

OPINION AND ORDER

Plaintiff has filed a complaint (ECF No. 1) and a motion to proceed *in forma pauperis* (ECF No. 2). Because the Court cannot determine, from the documents submitted, whether Plaintiff has stated a cause of action, the complaint will be dismissed.

District courts have an obligation under 28 U.S.C. § 1915(e)(2)(B) to screen complaints before service on the defendant and must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. Dismissal under the *in forma pauperis* statute is an exercise of the court’s discretion. *Denton v. Hernandez*, 504 U.S. 25, 34 (1992). In determining whether the complaint states a claim, the court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). To survive dismissal under federal pleading standards,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Thus, a “plaintiff must do better than putting a few words on paper that, in the hands of an imaginative reader, *might* suggest that something has

happened to [him] that might be redressed by the law.” *Swanson v. Citibank, N.A.*, 614 F.3d 400, 403 (7th Cir. 2010) (emphasis in original).

The Court is hampered in its evaluation of Plaintiff’s claim because of the form he used. Rather than use of the Court’s approved pro se litigant complaint forms, or draft one of his own, Plaintiff has used a form drafted for federal tort claims. This is an administrative form, intended to be filed with the appropriate federal agency. *Kanar v. U.S.*, 118 F.3d 527, 528 (7th Cir. 1997). The purpose of the form is to bring an administrative “claim” that has only four elements: “(i) notification of the incident; (ii) a demand for a sum certain; (iii) the title or capacity of the person signing; and (iv) evidence of this person’s authority to represent the claimant.” *Id.* This strikes the Court as requiring significantly less than the pleading standard set out in *Iqbal*.

The Court notes that, apart from the FTCA form, Plaintiff did include a two-page written narrative. (ECF No. 1 at 7–8). This narrative does more to set out Plaintiff’s claim, but it also presents a problem. Paragraph 10 of the narrative states:

I have **evidence** that ALL of this started from a corrupt OIG and probation officer that lied to federal authorities and that are currently employed with the federal government of the United States. This is apart of my FTCA. This is a cover up on a large scale.

(*Id.* at 8) (all sic) (original emphasis). This causes the Court to ask whether this case is simply a repeat of *Swinton v. Coleman*, Cause No. 1:23-CV-73-HAB, where Plaintiff has sued that probation officer for the same damages. But this is a question that is on the Court’s Civil Complaint form, and one that will be answered in time.

For these reasons, Plaintiff’s Complaint for a Civil Case (ECF No. 1) is DISMISSED. Plaintiff is DIRECTED to file an amended complaint on or before May 5, 2023. The Clerk is DIRECTED to provide Plaintiff with a Civil Complaint form (INND Rev. 1/21) for Plaintiff to use in filing an amended complaint.

SO ORDERED on April 6, 2023.

s/ *Holly A. Brady*

JUDGE HOLLY A. BRADY

UNITED STATES DISTRICT COURT